UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,315	06/25/2003	Roger Stone	O03-027A	3165

26683 7590 03/22/2005

THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

EXAMINER	
SAETHER, FLEMMING	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,315	STONE, ROGER	
	Examiner	Art Unit	
	Flemming Saether	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

Claims 1, 2, 4 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rückert. In the embodiment seen in Fig. 1, Rückert discloses a connector comprising: a first body/body comprising a bearing surface (14) for engagement with a structural part (18 in combination with 9), a member formed as a projecting detent (8) for preventing relative rotation with the structural part and, left-hand threads (25) and; a second body/bushing for engagement with a second structural part (23) comprising threads for engagement with the threads of the first body/body, a bore (5) having a surface feature (3) for engaging a threaded fastener (6). The second body/bushing includes symmetrical cooperating surfaces which as capable of engagement by a fastener. In operation the turning of the fastener axially displace the second body/bushing relative to the first body/body to determine an axial position.

Claim Rejections - 35 USC § 103

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rückert as applied to claims 1 and 2 above, and further in view of Ozawa (US 6,779,957). Rückert does not disclose the surface feature to be sacrificial threads. Ozawa discloses a connector of a type similar to that of Rückert but, discloses the surface feature to be sacrificial threads (11) of a same material and thus same hardness as the threads (8) of a fastener. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the surface feature of Rückert as

sacrificial threads as disclosed Ozawa because the sacrificial threads would provide for a more secure connection between the fastener and second body/bushing preventing inadvertent separation of the fastener.

Response to Remarks

Applicant argues that claim 1 is allowable over Rückert since it requires direct engagement of the first body member and the structural part and Rückert cannot read on that limitation since it requires intermediate part (9). In response, the examiner agrees with applicant's understanding of the Rückert references but, disagrees with applicant's conclusion that the intermediate member precludes Rückert from reading on the limitation of the direct engagement. Initially, it should be noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims[1]. In that regard, there is limitation in the claims which would preclude the claimed "structural part" from being read as the combined members 9 and 18 of Rückert or, for that matter, as member 9 alone. As such, Rückert continues to the read on the claim, even as amended.

Applicant next argues that claim 7 defines over Rückert for its limitation of the sacrificial engagement and that the examiner conceded that Rückert did not disclose sacrificial threads. In response, the examiner disagrees because clearly a sacrificial engagement is broader and does not require threads. This allows the configuration of

[1] See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rückert to be read as "sacrificially engageable" without the sacrificial threads. Again, applicant is cautioned not to read limitation form the specification into the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Flemming Saether
Primary Examiner
Art Unit 3677